

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill Nos. 63 & 111, Page 6, Section 195.465, Line 13, by inserting after all of said line the
3 following:
4

5 "3. Neither the sovereign nor the official immunity doctrine shall apply to a person or a
6 department authorized to have private prescription-related medical information under sections
7 195.450 to 195.468 if such information is disclosed to an unauthorized party. If a person or
8 department unlawfully and knowingly accesses or discloses, or if a person or department authorized
9 to have prescription or dispensation monitoring information under sections 195.450 to 195.468
10 knowingly discloses such information in violation of sections 195.450 to 195.468 or knowingly uses
11 such information in a manner and for a purpose in violation of sections 195.450 to 195.468, the
12 person whose information was disclosed shall have a cause of action to recover liquidated damages
13 in the amount of twenty-five thousand dollars in addition to compensatory economic and
14 noneconomic damages, attorney fees, and court costs. The total amount of damages that may be
15 recovered from a department shall be ten million dollars if the disclosure was made by an employee
16 without the knowledge or consent of a supervisor, director, or other superior of the employee. If it is
17 determined by a court of competent jurisdiction that such disclosure was made intentionally and
18 maliciously, the person shall be entitled to punitive damages in addition to any other damages."; and
19

20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.

Action Taken _____ Date _____

Action Taken _____ Date _____